

REMARKS

The Examiner's communication dated March 17, 2008 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or bona fide attempt to advance the application to allowance. Specifically, claims 43, 46 and 50 have been amended. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of Office Action

Claim 43 stands rejected under 35 U.S.C. 102(b) as being anticipated by Ernst et al. (U.S. Patent No. 5,816,759).

Claims 50 and 70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ernst et al. in view of Steward (U.S. Patent No. 508,254).

Claims 46, 67, 68, 76, 80 and 81 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ernst et al. in view of Clark et al. (US 5,011,337).

Claims 80-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ernst et al. in view of Clark et al. as applied to claim 46 above, and further in view of Steward.

The Claims Distinguish Patentably Over the Reference(s) of Record

Independent claim 33 and claims 53-55, 58 and 73-74 dependent therefrom have been allowed. It is respectfully submitted that dependent claims 59-60, 63, 64 and 72, all of which depend from allowed claim 33, should now also be allowed. These claims were withdrawn as being directed to a non-elected species. However, since these claims all depend from an allowable generic claim, and all of these withdrawn claims require all of the limitations of the generic claim, these claims should be allowed in accordance with M.P.E.P. § 806.04(d).

Independent claim 43, as amended, calls for an expansion shell having fingers only at one end for engaging a rock formation, an aperture for receiving the elongated

bolt, and a base ring at an opposite end including a split that extends to a recess defined between adjacent ones of the fingers. Amended claim 43 also calls for axial movement to be facilitated by the split in the base ring which allows the shell support to move through the base ring. This limitation generally parallels that included in previously presented dependent claim 57 (now cancelled), which was indicated as containing allowable subject matter that is the same or similar to the subject matter incorporated into now allowed claim 33. Accordingly, it is respectfully submitted that claim 43 and dependent claims 57 and 70 are in condition for allowance.

Independent claim 46, as amended, calls for an expansion shell having a base ring at a first end thereof defining at least one split that extends to a recess defined between adjacent fingers of the expansion shell. Amended claim 46 further calls for the at least one split in the base ring to facilitate the support device axially moving into and through the base ring. These added limitations generally parallel those of previously presented dependent claim 57 (now cancelled), which was indicated as containing allowable subject matter. Accordingly, it is respectfully submitted that claim 46 and claims 67, 68, 76 and 79-81 are in condition for allowance. Moreover, it is also respectfully submitted that dependent claims 62 and 77, which are currently withdrawn, should now be allowed due to their dependence from an allowed generic claim.

Independent claim 49 and claims 71 and 78 dependent therefrom have already been allowed.

Independent claim 50 has been amended to call for a base ring at a first end of the recited shell including at least one split that extends to a recess defined between adjacent fingers of the shell and thereby facilitates the axial movement of the support device in the direction toward and relative to the shell to allow the support device to move through the base ring. This added limitation also generally parallels that of previously presented dependent claim 57 (now cancelled), which was indicated as containing allowable subject matter. Accordingly, it is respectfully submitted that independent claim 50 is in condition for allowance.

CONCLUSION

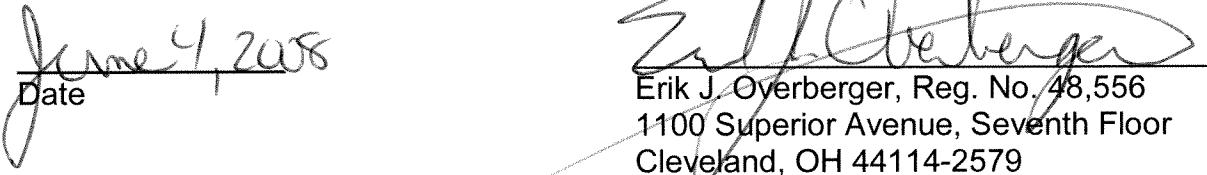
All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance.

It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences.

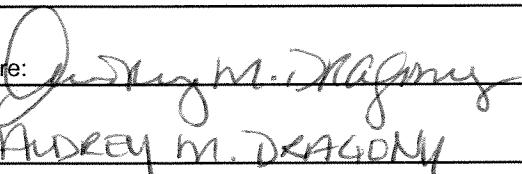
Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY SHARPE LLP


Date

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